



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mark D. Scott et al. Examiner: R. Hayes  
Serial No. 09/323,765 Group Art Unit: 1647  
Filed: June 1, 1999 Docket No. 259.006US1  
Title: ANTIGENIC MODULATION OF CELLS

**Terminal Disclaimer to Obviate a Double Patenting Rejection  
Over a Patent and Pending Second Application  
Under 37 C.F.R. §1.321**

*19*

The Owner, Biomedical Frontiers, Inc, of 100 percent of the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154-156, §173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on U.S. Patent No. 5,908,624, filed as U.S. Patent Application Serial No. 09/671,452, filed on June 27, 1996, which is a continuation-in-part of pending second Application Number 09/323,765, filed on June 1, 1999. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the

expiration date of the full statutory term as defined in 35 U.S.C. §154-156, §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

- ☐ 1. For submissions on behalf of an organization (e.g. corporation, partnership, university, government, agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- ☒ 2. The undersigned is an attorney of record.

Authorization is hereby given to charge Deposit Account Number 50-1391 in the amount of \$55.00 (small entity) for the terminal disclaimer fee under 37 C.F.R. §1.20(d).

Respectfully submitted,

MARK D. SCOTT et al.

By their Representatives,

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Date: 2 January 2002

By: Mark A. Litman  
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on ~~July 10, 2001~~ 2 January 2002

Mark A. Litman  
Name

Mark A. Litman  
Signature